

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ANTHONY GRAVES,)	
ID # 1429082,)	
Petitioner,)	
vs.)	No. 3:12-CV-5259-M (BH)
)	
WILLIAM STEPHENS, Director,)	
Texas Department of Criminal)	
Justice, Correctional Institutions Division,)	
Respondent.)	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing the objections to the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and conducting a *de novo* review of those parts of the Findings and Conclusions to which objections have been made, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

For the reasons stated in the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, the Court construes *Petitioner's Objections to the Court Order Adopting the Findings and Recommendation of the United States Magistrate Judge; and Petitioner's Request for the Court to Rescind, in part, the Court's Order and Grant an Evidentiary Hearing*, received on January 15, 2014 (doc. 20), as a motion for relief from judgment pursuant to Rule 60(b) and **DENIES** it.

To the extent that the petitioner seeks to appeal the denial of his motion, he must file a separate notice of appeal and pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis* that is accompanied by a properly signed certificate of inmate trust account. The

notice of appeal must be filed within thirty days after a Rule 60(b) motion is denied by the district court. *See* FED. R. APP. PROC. 4(a)(1)(A), (4)(A). This Court has already denied him a certificate of appealability, (*see* doc. 18), so no further motion is necessary. Pursuant to the *Plan for Representation on Appeal Under the Criminal Justice Act*, of the Judicial Council of the Fifth Circuit Court of Appeals, the determination of whether to appoint counsel to represent the petitioner on appeal rests with the Fifth Circuit. Any motion for appointment of counsel should be filed in that court.

SIGNED this 13th day of February, 2014.

A handwritten signature in black ink, reading "Barbara M. G. Lynn". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS